IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24673 of 2004

Between:

1 Madana Venkat Reddy, S/o. Nagi Reddy,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.230)
2 Madana Poli Reddy, S/o. Krishna Reddy,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.22)
3 Madana Ramakoti Reddy, S/o. Nagi Reddy,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.6)
4 Parchuru Peda Khasim Khan, S/o. Silr Khan,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.48)
5 Shaik Liyakhath Ali, S/o. Moulali,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.30)
6 Madana Nagi Reddy, S/o. Venkat Reddy,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.51)
7 Shaik Mahaboob Subhani, S/o. Mastan,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.76)
8 Shaik Fajulla, S/o. Meera Saheb,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.89)
9 Madana Veera Reddy, S/o. Nagi Reddy,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.95)
10 Madana Venkateshwara Reddy, S/o. Krishna Reddy,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.63)
11 Shaik Khadar Baba, S/o. Subhani,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.118)
12 Shaik Subhani, S/o. Mastan,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.237)
13 Shaik John, S/o. Khadar Mohnuddin @ MOddin,
R/o. Lingamguntlapalem, Kakumani (M), Guntur District,

(Card No.331)

..... PETITIONERS

AND

1 Person-In-Charge, Lingamguntlapalem Milk Producers Mutually Aided Cooperative Society Limited,

Lingamguntlapalem, Kakumani(M), Guntur District.
2 Commissioner & Registrar of Cooperative Societies, Gruhakalpa, Opp: Gandhi Bhavan, Hyderabad.
3 Cooperative Sub-Registrar/Sub Divisional Cooperative Officer
Bapatla, Guntur District.
4 The District Cooperative Officer/ District Registrar Mutually Aided Cooperative Society, Kannavari Thota, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly in the nature of WRIT OF MANDAMUS declaring the Notice dt.15-12-2004 of the 1st Respondent calling for the Meeting of the General Body of 1st Respondent Society is illegal, arbitrary and violative and opposed to the provisions of A.P. Mutually Aided Cooperative Societies Act, 1995 as well as the directions issued by this Hon'ble Court in W.P.No. 9888/2003 of the 2nd Respondent and consequently direct the Respondents 2 to 4 to conduct inquiry into the issue of Membership as well as eligible Voters List of the 1st Respondent Society and to take subsequent Proceedings to conduct elections of the Managing Committee and until than restrain the Respondents from conducting any General Body Meeting with regard to the issue of Elections.

Counsel for the Petitioners: MR.P.M.GOPAL RAO &

MR.SRINIVAS POLAVARAPU

Counsel for the Respondent Nos.1 to 4: GP FOR COOPERATION

The Court at the admission stage made the following :

ORDER:

This writ petition is filed challenging the action of the respondents in issuing the notice, dated 15.12.2004, through which the General Body Meeting of the 1st respondent-Society was called. It is alleged that the notice is contrary to the provisions of the A.P. Mutually Aided Cooperative Societies Act, 1995 (for short 'the Act') as well as the directions issued by this Court in W.P.No.9888 of 2003, dated 10.06.2003.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

When the writ petition came up 'for admission', on 30.12.2004, an interim direction was issued to the effect that the person-in-charge of the Committee shall take necessary steps for conducting the elections to the Managing Committee, within a period of two months. It was further directed that the person-in-charge shall verify the electoral list with reference to the representations made by the petitioners as regards inclusion of eligible members before declaring the election programme. The elections have since been conducted on 21.01.2005.

Sri P.Sreenivas, learned counsel for the petitioners, submits that the grievance of the petitioners as to inclusion and exclusion of names in the electoral list has not been attended to, by the election authority and the electoral list was defective.

Even assuming that there is any truth in the contention advanced on behalf of the petitioners, they have to work out their remedies under Section 37 of the Act by filing an O.P.

Hence, the writ petition is disposed of, leaving it open to the petitioners to work out their remedies under Section 37 of the Act. It shall be open to the petitioners to canvass all the contentions before the Election Tribunal. There shall be no order as to costs.

07.02.2005

Jsu
To

1 The person-in-charge, Lingamguntlapalem Milk Producers Mutually Aided Cooperative Society Limited, Lingamguntlapalem,
Kakumani(M), Guntur District.
2 The Commissioner & Registrar of Cooperative Societies,
Gruhakalpa, Opp: Gandhi Bhavan, Hyderabad.
3 The Cooperative Sub-Registrar/Sub Divisional Cooperative Officer Bapatla,
Guntur District.
4 The District Cooperative Officer/ District Registrar Mutually

Aided Cooperative Society, Kannavari Thota, Guntur District.

5 Two C.Cs to the G.P. for Co.-operation, High Court Buildings,
Hyderabad (OUT).

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